

United States District Court  
District of Massachusetts

IN RE CK LIQUIDATION CORPORATION,  
f/k/a CADKEY CORPORATION,

Debtor,

ROBERT WHITE,

Appellant,

v.

JOHN A. BURDICK, JR., Trustee,

Appellee.

Bankruptcy Appeal No.  
04-40208-NMG

**AMENDMENT TO MOTION TO RECONSIDER**

**Amendment to Motion to Reconsider**

Appellant, Robert White, Pro Se, asks this Court to consider his amendments to his Motion to Reconsider, submitted on September 22, 2005.

On page 3 of his Motion to Reconsider Appellant wrote:

Of the \$1,350,000 originally present, minus the \$737,000 actually spent by estate counsel, minus the \$250,000 defense fund, leaves the \$365,000 remaining in the estate revealed by Appellant.

Appellant amends his motion to read:

Of the \$1,350,000 belonging to the estate after closing the sale, minus the \$737,000 charged by estate counsel (and the sales agent), minus the \$250,000 defense fund, only leaves \$365,000 in the estate for unsecured creditors as revealed by Appellant, not the \$750,000 claimed by estate counsel at the November 6, 2003 sales hearing, and not the \$700,000 calculated by the Bankruptcy Court.

On page 3 of his Motion to Reconsider Appellant wrote:

In regards to all the mistakes that estate counsel have made in representing the amount of dividend available and/or promised to unsecured creditors in this case, Appellant asks this Court to remand this case to the Bankruptcy Court for an immediate evidentiary hearing, without further discovery or delay, whereby Appellant would be afforded his “due process rights” to amend his complaint to conform to proof at that trial that estate counsel committed “mistake” by inaccurately reporting the dividend available to unsecured creditors, which the sale order was predicated upon.

Appellant amends his motion to read:

In regards to all the mistakes that estate counsel have made in representing the amount of dividend available and/or promised to unsecured creditors in this case, Appellant asks this Court to remand this case to the Bankruptcy Court for an immediate evidentiary hearing, without further discovery or delay, whereby Appellant would be afforded his "due process rights" *under Fed. Rule of Civil Proc. 15(b)* to amend his complaint to conform to proof at that trial that estate counsel committed "mistake" by inaccurately reporting the dividend available to unsecured creditors, which the sale order was predicated upon. *Appellant was denied his "due process rights" to amend his complaint to plead "mistake" under Fed. Rule of Civil Proc. 60(b), instead of "fraud", because the Bankruptcy Court did not allow a hearing of the evidence, and because the Bankruptcy Court erred in its calculation of the amount of the missing dividend, which is evident by this Court's similar miscalculations.*

Respectfully submitted on this 24<sup>th</sup> day of September , by

  
\_\_\_\_\_  
Robert White- Pro Se

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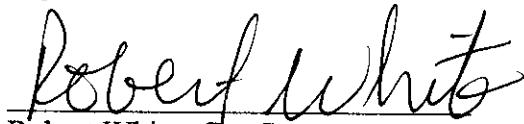
Appellee.

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CERTIFICATE OF SERVICE

I, Robert White, hereby certify that on this 24<sup>th</sup> day of September, 2005, I served a copy of Appellant's AMENDMENT TO MOTION TO RECONSIDER by mailing the same, postage prepaid to the parties identified on the following Service List.

September 24, 2005

  
\_\_\_\_\_  
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